

Adopted at Meeting of 6/20/74

BOSTON REDEVELOPMENT AUTHORITY City Hall / Room 900, 1 City Hall Square / Boston, Massachusetts 02201 / Telephone (617) 722-4300

June 20, 1974

BOARD OF APPEAL REFERRALS

1. Z-3099, City of Boston School Department, Knights of Columbus, 95 Peterborough & 50 Kilmarnock Streets, Boston
2. Z-3100, Elizabeth Buckley, 33 Marine Road, South Boston
3. Z-3101, Forty Four Capen Street, Inc., 44 Capen Street, Dorchester
4. Z-3102, Lombardo Realty Trust, McDonald's Corp., 178 Border Street, East Boston
5. Z-3103, Joseph & Dorothy Strange, 77 Ellington Street, Dorchester
6. Z-3105, Joseph & Margaret Hurney, 145 Stimson Street, West Roxbury
7. Z-3107, William E. Carter American Legion Post, 1531 Blue Hill Avenue, Mattapan
8. Z-3108, Peter O. Wilde & William S. Moonan, 49-55 Berkeley Street, Boston
9. Z-3110, Consolidated Industries, Inc., 1833 Centre Street, West Roxbury
10. Z-3113, Silveo Avellino, 650 Blue Hill Avenue, Dorchester
11. Z-3120, Trustees of 60 State Street, 60 State Street, Boston
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13. Z-3123, Jacques Huyard, 17 Arlington Street, Boston

June 20, 1974

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing Date: 6/25/74

Petition No. Z-3099
City of Boston School Department
Knights of Columbus, Back Bay
Council #331
95 Peterborough & 50 Kilmarnock
Streets, Boston

Petitioner seeks a forbidden use and three variances to use premises as a parking lot for a fee in an apartment (H-2) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A parking lot for a fee is forbidden in an H-2 district.		
Section 18-1. Front yard is insufficient.	20 ft.	0
Section 19-6. Side yard is insufficient.	10 ft.	0
Section 20-1. Rear yard is insufficient.	30 ft.	0

The property, located at the intersection of Peterborough and Kilmarnock Streets, contains a public elementary school building (Martin Milmore School). It is proposed to park approximately 65 cars in the school yard during Red Sox games through October 2. There is a deficiency of open space areas for active recreational use in this neighborhood, and there is community opposition to its use as a parking lot. Recommend denial.

VOTED: That in connection with Petition No. Z-3099, brought by City of Boston School Department and Knights of Columbus, Back Bay Council # 331, 95 Peterborough & 50 Kilmarnock Streets, Boston, for a forbidden use and three variances to use premises as a parking lot for a fee in an apartment (H-2) district, the Boston Redevelopment Authority recommends denial. There is a deficiency of open space areas for active recreational use in this neighborhood and the community is opposed to use of the playground as a parking lot.



Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

Petition No. Z-3100
Elizabeth Buckley
33 Marine Road
South Boston

Petitioner seeks a forbidden use and a variance for a change of occupancy from a four family dwelling to a five family dwelling in a residential (R-.8) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A dwelling converted for more families which does not meet the requirements of lot area is forbidden in an R-.8 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1000 sf/du	156 sf/du

The property, located between I & K Streets, contains a 2½ story frame structure. Proposed conversion would be incompatible with existing neighborhood density, would create an undesirable precedent and would be contrary to Mayoral policy for this area. Community has expressed opposition. Recommend denial.

VOTED: That in connection with Petition No. Z-3100, brought by Elizabeth Buckley, 33 Marine Road, South Boston, for a forbidden use and a variance for a change of occupancy from a four family dwelling to a five family dwelling in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial. Proposed conversion is incompatible with existing neighborhood density, would create an undesirable precedent and would be contrary to Mayoral policy for this area. Community has expressed opposition.



Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

Petition No. Z-3101
Forty Four Capen Street, Inc.
James R. Whitcomb
44 Capen Street
Dorchester

The petitioner seeks a conditional use and two variances for a change of occupancy from a three family dwelling to a lodging house (16 lodgers) in a residential (R-.8) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A lodging house is conditional in an R-.8 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1500 sf/du	0
Section 23-1. Off street parking is insufficient.	6 spaces	0

The property, located near the intersection of Evans Street, contains a three-story frame structure. Density is existing, hazardous and overcrowding. A reduction to 12 lodgers (four per floor) would be acceptable. Recommend denial as submitted.

VOTED: That in connection with Petition No. Z-3101, brought by Forty Four Capen Street, Inc., 44 Capen Street, Dorchester, for a conditional use and two variances for a change of occupancy from a three-family dwelling to a lodging house in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial as submitted. Existing condition (16 lodgers) is hazardous and overcrowding. A reduction to 12 lodgers would be acceptable.



Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

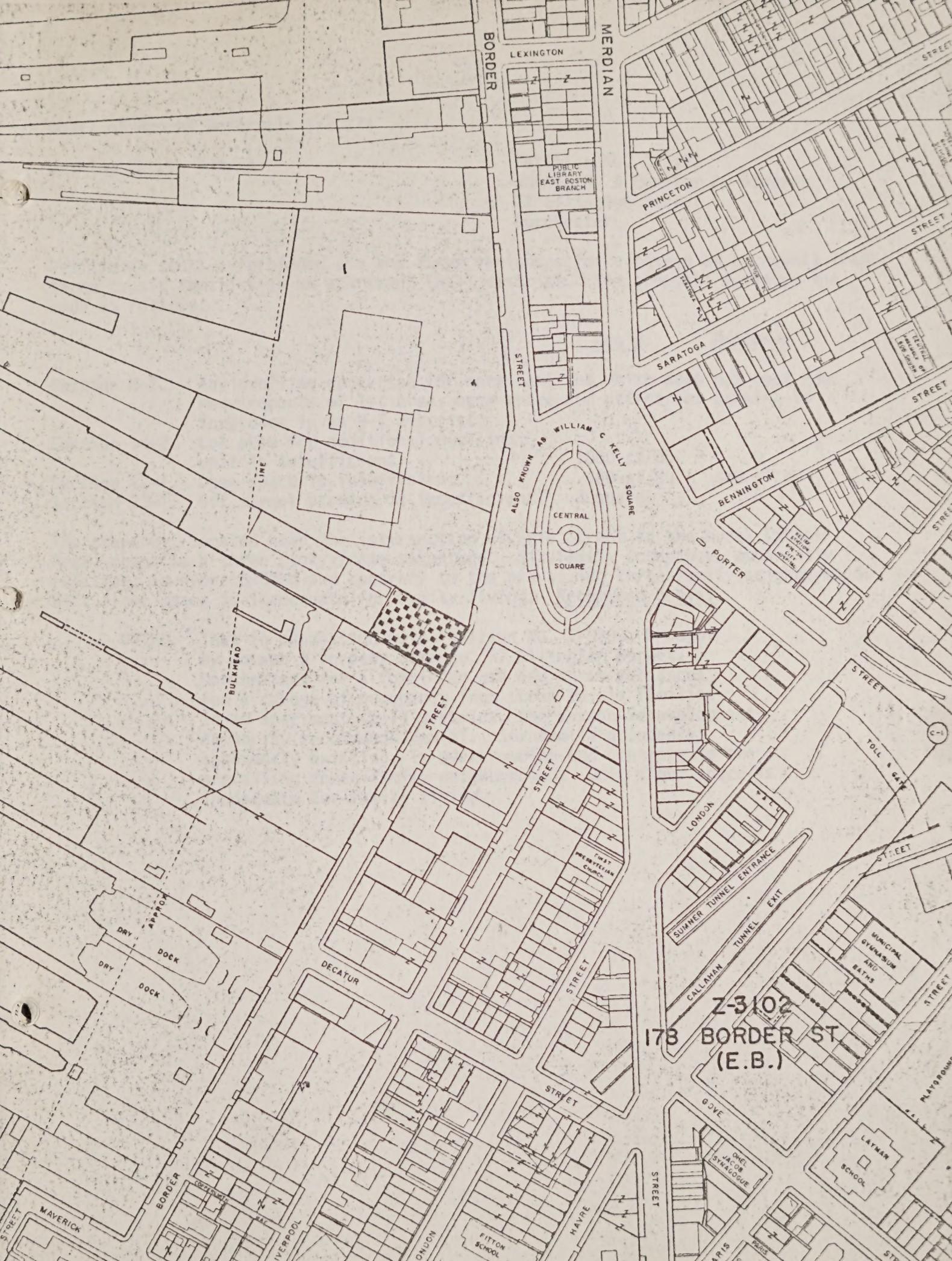
Petition No. Z-3102
Lombardo Realty Trust
McDonald's Corporation (Lessee)
178 Border Street
East Boston

Petitioner seeks a conditional use to increase the seating capacity of a restaurant in a waterfront (W-2) district. The proposal violates the code as follows:

Section 8-6. A change in a conditional use requires Board of Appeal approval.

The property, located at Central Square, contains a one-story structure under construction. Seating would be increased from 112 to 152 and roof would be extended to cover trash area enclosure. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3102, brought by Lombardo Realty Trust & McDonald's Corporation, 178 Border Street, East Boston, for a conditional use to increase the seating capacity of a restaurant in a waterfront (W-2) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Board of Appeal Referrals 6/20/74

Hearing Date: 7/9/74

Petition No. Z-3103
Joseph B. & Dorothy A. Strange
77 Ellington Street
Dorchester

Petitioner seeks a forbidden use and three variances for a change of occupancy from three to six families in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	Any dwelling converted for more families which does not meet the requirements of lot area, open space and off-street parking is forbidden in an H-1 district.	
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1000 sf/du 0
Section 17-1.	Open space is insufficient.	400 sf/du 328 sf/du
Section 23-1.	Off street parking is insufficient.	3 spaces 0

The property, located near the intersection of Erie Street in the Model Cities Area, contains a three story frame structure. Six family occupancy, apparently existing, is overcrowding and contrary to the prevailing three-family neighborhood. Unit floor space is inadequate for family living. Recommend denial.

VOTED: That in connection with Petition No. Z-3103, brought by Joseph & Dorothy Strange, 77 Ellington Street, Dorchester, for a forbidden use and three variances for a change of occupancy from three to six families in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Six family occupancy, apparently existing, is overcrowding and contrary to the prevailing three-family neighborhood. Unit floor space is inadequate for family living.



Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

Petition No. Z-3105
Joseph H. & Margaret M. Hurney
145 Stimson Street
West Roxbury

Petitioner seeks a variance to erect a porch addition to a single family dwelling in a single family (S-.5) district. The proposal violates the code as follows:

Req'd Proposed

Section 20-1. Rear yard is insufficient.

The property, located at the intersection of Bryant Road, contains a 1½ story frame structure. Extension, consisting of a 12' x 12' screened rear porch, will enhance the property. There would be no adverse affects on abutting residences. Recommend approval.

VOTED: That in connection with Petition No. Z-3105, brought by Joseph H. & Margaret M. Hurney, 145 Stimson Street, West Roxbury, for a variance to erect a porch addition to a single family dwelling in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval. Extension will enhance property. There would be no adverse affects on abutting residences.

~~1Z-3105
45 STIMSON ST.
(S.W.R.)~~



Board of Appeal Referrals 6/20/74

Hearing Date: 7/9/74

Petition No. Z-3107

William E. Carter American Legion Post
1531 Blue Hill Avenue
Mattapan

Petitioner seeks a conditional use and a variance for a change of occupancy from insurance offices to private club in a local business (L-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A private club is conditional in an L-.5 district.		
Section 23-2. Off street parking is insufficient. 55 spaces		0

The property, located at the intersection of Regis Road, contains a one-story masonry structure. The club occupancy is existing. Off-street parking deficiency would be mitigated by utilization of nearby supermarket parking lot. Facility has written permission for this parking. Recommend approval.

VOTED: That in connection with Petition No. Z-3107, brought by William E. Carter American Legion Post, 1531 Blue Hill Avenue, Mattapan, for a conditional use and a variance for a change of occupancy from insurance offices to private club in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval. Off-street parking deficiency would be mitigated by utilization of nearby supermarket parking lot. Facility has written permission for this parking.



Z-3107
1531 BLUE HILL AVE
(MATT.)

Board of Appeal Referrals 6/20/74

Hearing Date: 7/9/74

Petition No. Z-3108
Peter O. Wilde & William S. Moonan
49-55 Berkeley Street
Boston

Petitioner seeks four variances for a change of occupancy from sandwich shop, production rooms, offices, and public hall to 29 apartments and commercial space in a general business (B-4) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 17-1. Open space is insufficient.	150 sf/du	0
Section 19-4. Side yard is insufficient.	10 ft.	0
Section 20-7. Rear yard is insufficient.	20 ft.	0
Section 23-1. Off street parking is insufficient.	15 spaces	0

The property, located at the intersection of Appleton Street in the South End Urban Renewal Area, contains a four-story masonry structure. The proposal includes 12,000 square feet of commercial space and rehabilitation which would substantially improve the building and neighborhood. Staff recommends that off-street parking be provided either by acquisition or lease of suitable space and plans be submitted for design review. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-3108, brought by Peter O. Wilde & William S. Moonan, 49-55 Berkeley Street, in the South End Urban Renewal Area, for four variances for a change of occupancy from sandwich shop, production rooms, offices and public hall to 29 apartments and commercial space in a general business (B-4) district, the Boston Redevelopment Authority recommends approval provided that off-street parking be supplied either by acquisition or lease of suitable space and that plans be submitted to the Authority for design review.

Z-3108

Z-3108
49-55 BERKLEY ST.
(B.R.)
STREET

Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

Petition No. Z-3110

Consolidated Industries, Inc. (owner)
City Bank & Trust Company
1833 Centre Street
West Roxbury

Petitioner seeks a conditional use for a change of occupancy from a gas service station to a drive-in bank in a general business (B-1) district. The proposal violates the code as follows:

Section 8-6. A change in a pre-existing conditional use requires Board of Appeal approval.

Section 8-7. A drive-in bank is conditional in a B-1 district.

The property, located at the intersection of Maple Street, contains a vacant gas service station office structure. Two similar banks are within close proximity of the site. Plan as presented would intensify existing congestion on Centre Street. Proposed circulation, access and customer waiting lane are inadequate. Redesign and relocation of drive-in teller's window could increase waiting lane and improve access and circulation. Recommend denial as submitted.

VOTED: That in connection with Petition No. Z-3110, brought by Consolidated Industries, Inc., and City Bank and Trust Company, 1833 Centre Street, West Roxbury, for a conditional use for a change of occupancy from a gas service station to a drive-in bank in a general business (B-1) district, the Boston Redevelopment Authority ~~recommends denial as submitted. Two similar banks are within close proximity of the site. Plan as presented would intensify existing congestion on Centre Street. Proposed circulation, access and customer waiting lane are inadequate. Redesign and relocation of drive-in teller's window could increase waiting lane and improve access and circulation.~~

 recommends approval subject to the change in location of the drive-in window.

Z-3110
1833 CENTRE ST.
(W. R.)



Board of Appeal Referrals 6/20/74

Hearing Date: 6/25/74

Petition No. Z-3113
Silveo Avellino
650 Blue Hill Avenue
Dorchester

Petitioner seeks a conditional use and a variance to erect a one-story self-service gas station in a general business (B-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A gas service station is conditional in a B-1 district.		
Section 11-2. Area of sign is excessive.	130 sf	192 sf

The property, located at the intersection of Glenway Street in the Model Cities Area, contains a one-story masonry structure which would be demolished. Site is inappropriate for the proposed reuse, being proximate to Franklin Park entrance and the busy, congested intersection at Blue Hill Avenue and Columbia Road. Facility would create access and egress conflicts and further generate undesirable traffic. Recommend denial.

VOTED: That in connection with Petition No. Z-3113, brought by Silveo Avellino, 650 Blue Hill Avenue in the Model Cities Area, Dorchester, for a conditional use and a variance to erect a one-story self-service gas station in a general business (B-1) district, the Boston Redevelopment Authority recommends denial. Site is inappropriate for the proposed reuse, being proximate to Franklin Park entrance and the busy, congested intersection at Blue Hill Avenue and Columbia Road. Facility would create access and egress conflicts and further generate undesirable traffic.



Board of Appeal Referrals 6/20/74

Hearing Date: 7/9/74

Petition No. Z-3120
Trustees of 60 State Street Trust
60 State Street
Boston

Petitioner seeks a conditional use and two exceptions to erect a 37 story office structure in a general business urban renewal area (B-10-U) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A parking garage is conditional in a Restricted Parking District.		
Section 15-1. Floor area ratio is excessive.	10	14
Section 24-1. Off street loading bays are insufficient.	9 bays	4 bays

The property, located at the intersection of State and Congress Streets, contains 54,339 square feet of land. Structure will provide approximately 786,650 square feet of new office space. Garage would accommodate 210 vehicles. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3120, brought by Trustees of 60 State Street Trust, 60 State Street, Boston, for a conditional use and two exceptions to erect a 37 story office structure in a general business urban renewal area (B-10-U) district, the Boston Re-development Authority recommends approval provided that plans are submitted to the Authority for design review.



Board of Appeal Referrals 6/20/74

Hearing Date: 7/9/74

Petition No. Z-3122
VFW Post No. 1016 Building Corp.
132 Chestnut Hill Avenue
Brighton

Petitioner seeks a forbidden use and four variances to legalize occupancy for private club and erect one-story addition in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A private club is forbidden in an R-.5 district.	
Section 14-2.	Lot area for additional unit is insufficient.	3000 sf/du
Section 18-1.	Front yard is insufficient.	25 ft.
Section 19-1.	Side yard is insufficient.	10 ft.
Section 23-2.	Off street parking is insufficient.	45 spaces
		2947 sf/du
		4 ft.
		5 ft.
		22 spaces

The property, located near the intersection of Wiltshire Road, contains a 1½ story frame structure. The facility has existed at this site for many years.

Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-3122, brought by VFW Post No. 1016 Building Corporation, 132 Chestnut Hill Avenue, Brighton, for a forbidden use and four variances to legalize occupancy for private club and erect one-story addition in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.

Z-3122
132 CHESTNUT HILL AVE.
(BRI.)



Board of Appeal Referrals 6/20/74

Hearing Date: 7/30/74

Petition No. Z-3123
Jacques Huyard
17 Arlington Street
Boston

Petitioner seeks a conditional use for a change of occupancy from one apartment, offices, store and retail bakery to one apartment, offices, store, retail bakery and restaurant in a general business (B-4-70) district. The proposal violates the code as follows:

Section 8-7. A restaurant is conditional in a B-4-70 district.

The property, located near the intersection of Newbury Street, contains a five-story structure. Proposed restaurant would be consistent with commercial nature of the immediate area and has community support. Restaurant plans should comply with Health and Hospital Department regulations. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-3123, brought by Jacques Huyard, 17 Arlington Street, Boston, for a change of occupancy from one apartment, offices, store and retail bakery to one apartment, offices, store, retail bakery and restaurant in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval provided restaurant plans comply with Health and Hospital Department regulations.

